

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

|                               |   |                          |
|-------------------------------|---|--------------------------|
| <b>MARK GRAHAM,</b>           | ) |                          |
|                               | ) |                          |
| <b>Plaintiff,</b>             | ) |                          |
|                               | ) |                          |
| <b>v.</b>                     | ) | <b>1:22-cv-00070-JDL</b> |
|                               | ) |                          |
| <b>CAPTAIN JOHN COSTELLO,</b> | ) |                          |
| <b>et al.,</b>                | ) |                          |
|                               | ) |                          |
|                               | ) |                          |
| <b>Defendants.</b>            | ) |                          |

**ORDER ON MOTION FOR RECONSIDERATION**

By an order (ECF No. 24) dated June 6, 2022, Plaintiff Mark Graham's complaint was dismissed and, in response to his repeated frivolous filings, Graham was enjoined from filing further lawsuits involving allegations of being poisoned at Maine penal institutions and from filing duplicative documents without the court's prior approval. On June 23, 2022, Graham filed a motion (ECF No. 26) in which he seeks permission to re-file his dismissed complaint in this docket. The motion indicates that Graham intends to abandon his allegations of poisoning and to pursue only his allegations related to his placement in segregated housing and the denial of medical treatment. I treat Graham's motion as a request that I reconsider the dismissal of his complaint.

In dismissing Graham's complaint, I accepted Magistrate Judge John C. Nivison's Recommended Decision (ECF No. 12), which concluded not only that Graham's allegations of poisoning were implausible but also that the remainder of Graham's complaint failed to successfully state a claim. I concurred with Magistrate

Judge Nivison’s determinations for the reasons set forth in his Recommended Decision. Thus, Graham’s latest motion—including his representation that he will not pursue his allegations of poisoning—does not present reasons supporting the reconsideration of the order dismissing his complaint in its entirety. *See Glob. Naps, Inc. v. Verizon N. Eng., Inc.*, 489 F.3d 13, 25 (1st Cir. 2007) (“As a general matter, a motion for reconsideration may only be granted if the original judgment evidenced a manifest error of law, if there is newly discovered evidence, or in certain other narrow situations.”).

Accordingly, it is **ORDERED** that Graham’s Motion for Reconsideration (ECF No. 26) is **DENIED**.

**SO ORDERED.**

**Dated this 26th day of July, 2022.**

/s/ Jon D. Levy  
**CHIEF U.S. DISTRICT JUDGE**